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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the situation of human rights in Rwanda submitted by the Special Representative, Mr. Michel Moussalli, pursuant to resolution 1997/66

CONTENTS

		Paragraphs	Page
I.	MANDATE OF THE SPECIAL REPRESENTATIVE	1 - 4	2
II.	MISSIONS OF THE SPECIAL REPRESENTATIVE	5 - 10	3
III.	OBSERVATIONS OF THE SPECIAL REPRESENTATIVE . . .	11 - 39	4
IV.	RECOMMENDATIONS OF THE SPECIAL REPRESENTATIVE .	40 - 41	12

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I. MANDATE OF THE SPECIAL REPRESENTATIVE

1. At its last session, the Commission on Human Rights adopted resolution 1997/66 on the situation of human rights in Rwanda, in which it expressed its appreciation for the work the Special Rapporteur had carried out in the past three years in the fulfilment of his mandate and requested the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights might be appropriate. This request was subsequently approved by the Economic and Social Council in its decision 1997/274. On behalf of the Commission, its Chairman appointed on 20 June 1997 Mr. Michel Moussalli, former Director of International Protection of the Office of the United Nations High Commissioner for Refugees (UNHCR), as Special Representative.

2. In the same resolution, the Commission requested the Special Representative to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session in accordance with his mandate. The present report is the first submitted by the Special Representative on the situation of human rights in Rwanda to the Commission on Human Rights.

3. The mandate entrusted to the Special Representative differs significantly from that which the Commission had conferred upon the Special Rapporteur on the situation of human rights in Rwanda. At the third special session of the Commission on Human Rights in 1994, the High Commissioner for Human Rights, in a report on his mission to Rwanda of 11 and 12 May 1994 (E/CN.4/S-3/3), suggested that the Commission consider appointing a special rapporteur on Rwanda. This special rapporteur who would examine all human rights aspects of the situation, including root causes and responsibilities for the recent atrocities including root causes and responsibilities for the recent atrocities, and who would be assisted in the collection and analysis of information by a team of human rights field officers acting in close cooperation with the United Nations Assistance Mission in Rwanda (UNAMIR) and other United Nations agencies and programmes from within Rwanda, as well as from neighbouring countries where Rwandan refugees were located. In resolution S-3/1, the Commission endorsed the High Commissioner's recommendation, which was subsequently endorsed by ECOSOC in its decision 1994/223.

4. Once it had become clear that a much more substantial field presence than that originally conceived was needed to support the work of the Special Rapporteur and the Commission of Experts 1/ in dealing with the enormity of the violations perpetrated during the genocide and civil war in 1994, the

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1/ This body was created on 1 July 1994 by the Security Council to determine individual responsibility for serious breaches of human rights and humanitarian law. Following completion of its work and submission of its reports to the Secretary-General, it was dissolved on 30 November 1994.

High Commissioner for Human Rights launched the Human Rights Field Operation in Rwanda (HRFOR). In the Agreement between the United Nations High Commissioner for Human Rights and the Government of Rwanda concluded in August 1994, the objectives and functions of the Operation are defined as follows: (a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide; (b) monitoring the ongoing human rights situation and helping to prevent violations through the presence of human rights field officers; (c) cooperating with other international agencies to re-establish confidence and to facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and (d) implementing programmes of technical cooperation in the field of human rights, in particular in the area of the administration of justice, to help Rwanda rebuild its shattered judiciary and to provide human rights education to all levels of Rwandan society.

II. MISSIONS OF THE SPECIAL REPRESENTATIVE

5. To discharge the responsibilities of his mandate, the Special Representative undertook three missions to Rwanda accompanied by a staff member of the Office of the High Commissioner for Human Rights. These missions took place from 26 July to 4 August 1997, 1-8 November 1997, and 19-25 January 1998.

6. In order to establish contacts and a framework for dialogue with the Government of Rwanda, to assess the situation on the ground and to involve other relevant actors of the international community concerned with elements of the mandate entrusted to him, the Special Representative met with a wide range of ministers and other officials of the Government of Rwanda, including the Vice-President and the Minister of Defence; the Prime Minister; the Minister for Foreign Affairs; the Secretary-General of the Ministry for Foreign Affairs; the Minister of Justice; the Secretary-General of the Ministry of Justice; the Minister of Education; the Minister of Youth and Culture; the Minister of Gender, Family and Social Affairs; the Minister of Information; the Minister to the Presidency; the President of the Transitional National Assembly; the President of the Supreme Court; the President of the Cour des Comptes (one of the five sections of the Supreme Court); the President and members of the Commission of National Unity and Human Rights of the Transitional National Assembly; the Military Prosecutor General; and the Special Adviser to the Minister of Internal Affairs, Communal Development and Resettlement.

7. The Special Representative met also with most of the ambassadors or heads of diplomatic missions present in Rwanda during his visits. He also had the opportunity to meet with the Special Envoy of the President of the United States to the Great Lakes who was visiting Kigali at the same time, as well as with representatives of the Roman Catholic and Episcopalian Churches.

8. During his missions, the Special Representative also had discussions with representatives of United Nations agencies and programmes, the Deputy Prosecutor of the International Criminal Tribunal for Rwanda, the Chief of Delegation of the ICRC and representatives of a number of

non-governmental organizations, including the Association pour la Défense des droits de la personne et des libertés publiques (ADL), the Association rwandaise pour la défense des droits de l'homme (ARDHO), and the former head of Ibuka, the genocide survivors' organization.

9. In the course of his missions, the Special Representative visited the prefecture of Kibungo where he met with the HRFOR Kibungo team, visited the Kibungo prison and a number of communal cachots in the prefecture, and was received by the Director of the Kibungo prison, the President of the Prefectural Tribunal of Kibungo, the President of the Specialized Chambers on genocide, and the Prosecutor of Kibungo. The Special Representative's visits to Kibungo prison and communal cachots and his discussions with civilian, military, prison and judicial officials provided valuable insight into the prevailing conditions of detention and the urgency of conducting fair and effective criminal trials for those accused of genocide and related acts. Finally, the Special Representative attended a human rights seminar for women, sponsored by HRFOR.

10. The Special Representative felt it valuable to visit also ministers and other officials of the Government of South Africa since South Africa benefits from a functioning national human rights commission which could provide the Government of Rwanda with useful insights into the role and functions of such an entity. In order to prepare his report for the Commission on Human Rights, the Special Representative therefore met with the following officials in Pretoria on 26 and 27 January 1998: the Deputy Minister for Foreign Affairs, the Director-General of the Office of the Vice-President, the Chairperson of the South African Commission on Human Rights, the Director of the International Mediation Centre of South Africa. He also held discussions with a representative of the Centre for Conflict Resolution, based in Cape Town.

III. OBSERVATIONS OF THE SPECIAL REPRESENTATIVE

General context

11. In order to consider the human rights situation in Rwanda in full perspective, it is essential to recall the events that gave rise to the present efforts of the international community to protect and promote international human rights standards. In particular, the massive scale and severity of the violations of human rights and humanitarian law perpetrated during the traumatic days of the Rwandan civil war in 1994 must never be forgotten or ignored.

12. The 1994 genocide and civil war constitutes one of the worst chapters of Rwanda's history. There is a tendency to ignore or forget the horrible details, perhaps because the violations were so severe and so massive: between 500,000 and 1 million mainly Tutsi and politically moderate Hutu men, women and children were brutally massacred. Tragically, when the severest violations were being perpetrated from April to July 1994, the international community responded in only a very weak and ineffectual way.

13. Rwanda is still reeling from the massive human rights violations that were perpetrated in a pre-planned, organized and systematic manner by extremist Hutu militia and former Presidential Guard units throughout the

country. These attacks started within hours of the attack on the presidential aircraft on 6 April which took the lives of Juvénal Habyarimana, President of the Republic of Rwanda, and Cyprien Ntaryamira, President of the Republic of Burundi. The mass killings were condemned by all the main organs of the United Nations, first and foremost the Security Council. The massacres were later qualified by the Commission of Experts on Rwanda in very clear and unambiguous terms as constituting "genocide" within the meaning of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948.

14. The civil war that ensued brought further atrocities against the civilian population and resulted in extensive destruction of the country's infrastructure. By mid-July 1994, the Rwandese Patriotic Front had swept to power and stopped the attacks. The new Government of Rwanda inherited the monumental responsibility to restore law and order in the immediate aftermath of the great disaster Rwanda had just suffered, reconstruct public and economic institutions and, to the extent possible, foster national reconciliation and peace.

15. One of the major developments and complicating factors in the Rwandan crisis was the sudden exodus of over 1 million refugees into neighbouring countries during and following the genocide and civil war. Mixed in among the refugees were thousands of génocidaires who were using the refugees as human shields to cover their escape and as a conduit to receive humanitarian assistance. While a massive return movement of refugees occurred in 1996, there remain in some neighbouring countries, extremist elements that have vowed to complete the programme of genocide they started in April 1994 through sporadic attacks on Rwanda's civilians, army and infrastructure. It must be fully recognized that the insurgents continue to pose a very real threat to the safety and security of the population in the north-western part of the country and to Rwanda's overall stability.

16. Violations committed in the context of counter-insurgency operations cannot be equated with the initial holocaust - the genocide committed in 1994. The two sets of violations differ in kind and magnitude. The Government of Rwanda continues to take a primarily defensive stance against insurgents who have openly declared their intention to resume their efforts to wipe out the Tutsi minority and all Rwandese supporting the Government and the efforts of the authorities to reconstruct the country and bring about peace and reconciliation. The international community has a responsibility to condemn unequivocally the attacks perpetrated by interahamwe militia and associated elements. The attacks by these genocidal elements in the last year have succeeded in provoking incidents of overreaction, and certain soldiers have taken reprisal actions as the conflict has escalated. Government officials indicated to the Special Representative their intention to increase the number of prosecutions of commanders and soldiers who have acted outside the norms of international humanitarian law. The Government is encouraged to do its utmost to ensure tight command discipline, including the prosecution of military commanders and soldiers where necessary. In this regard, initiatives designed to help the Government train all officials responsible for ensuring respect for the rule of law, whether military or civilian, must be fully supported by the international community.

17. Finally, as a general point, it must be remarked that human rights cannot take root unless there exists a certain basic level of security in the personal, social and economic spheres of daily life. As regards economic security, in the abstract, no single human right is more important than any other in the sense that all human rights norms form part of the overall package of international human rights standards; no one human right should be sacrificed for the sake of another. However, as a practical matter, the individual rights to free speech or association, to take examples, can only make sense if one has enough food to eat and can feel safe at home. Thus, human rights and personal and economic security must be pursued in an integrated fashion, particularly in the Great Lakes region of Africa where violations of human rights and humanitarian law are particularly severe and are exacerbated by very trying economic and social conditions.

Cooperation of the Government of Rwanda with the international community

18. The Government of Rwanda is to be commended for its continued cooperation with the members of the international community active in human rights matters, particularly in view of its disappointment with the feeble response the international community made to the 1994 crisis in Rwanda. Indeed, soon after the new Government took power, it called for human rights officers to be deployed in Rwanda and signed an agreement with the High Commissioner for Human Rights to launch HRFOR, and once it was put in place, extended HRFOR its full cooperation.

19. In November and December 1996, refugees moved en masse back to Rwanda in conditions of relative calm and security. The Government of Rwanda is to be credited with supporting the return movement with the assistance of UNHCR and HRFOR and with taking measures to enhance confidence, such as restraining local authorities from carrying out arrests of genocide suspects until the mass return movement could stabilize. It is remarkable that a small country the size of Rwanda could encourage, accept and support the return of such a large number of refugees over such a short time and with such limited resources. The fact that the returnees have chosen to stay within Rwandan territory may be taken as an indicator that a certain minimal level of security has returned to Rwanda, with the exception of the north-western areas.

20. The Special Representative welcomes the access accorded by the Government of Rwanda to the human rights field officers and various other actors to all prefectures throughout the country. However, following the worsening security situation in the north-western prefectures caused by armed insurgent groups and the tragic assassination of five HRFOR members, the United Nations Security Coordinator introduced strict security regulations in the western prefectures as well as in parts of Byumba, Gikongoro, Gitarama, Kibungo and Kigali Rural prefectures which prevented United Nations staff from visiting those areas and carrying out on-site monitoring activities. The Special Representative wishes nevertheless to underline that despite those most difficult circumstances, it is essential that HRFOR spare no effort to continue its monitoring activity as effectively as possible alongside a comprehensive programme of technical assistance to the Government of Rwanda in the field of human rights.

21. The monitoring activity of HRFOR has created a tense relationship with the Government of Rwanda. In several meetings with the Special Representative, government officials recalled that the intention of the Government at the outset was to invite the presence in Rwanda of a United Nations human rights operation in order to encourage a sense of partnership and to help Rwandans to develop the capacity to promote human rights, rather than to bring in monitors to "police" the Government. In this regard, the Special Representative strongly supports the views recently expressed by the High Commissioner in her report to the General Assembly (A/52/486/Add.1/Rev.1), that monitoring should be conceived as a means of assisting the Government to address problems, as a basis for dialogue to diagnose the needs, and as encouragement to the international community to provide the help necessary to do so.

22. As regards the human rights situation of detainees, by mid-January 1998, the total detainee population in Rwanda was estimated to have reached 126,216. Having visited prisons and communal cachots, the Special Representative wishes to express his deep concern regarding the shocking conditions of detention and the large number of persons detained without dossiers setting out substantiated grounds for their arrest and detention. This concern was shared by many of the government officials with whom the Special Representative met during his missions. Many of these officials attributed the lack of progress in this area to the great damage sustained by the entire administration of justice during the 1994 civil war and the severe lack of resources to complete this task. Indeed, on 31 December 1997, the Government of Rwanda promulgated Law No. 16/97 which extends the period of time for which a person may be held in pre-trial detention. As a result of this law, persons placed in detention prior to 31 December 1997 may be detained until the 31 December 1999 without being informed of the reason for their arrest, without a provisional arrest warrant and without the benefit of a pre-trial detention hearing.

23. Efforts by some officials of the prison and communal detention centres to improve the situation did not go unnoticed. Measures designed to relieve some of the harshness of the conditions, such as allowing families of detainees to visit and bring them food and providing female detainees the opportunity to be with their small children on prison grounds but outside the prison walls, are to be commended and encouraged.

24. Likewise are to be commended efforts of the authorities to promote national reconciliation through workshops and seminars designed to spread awareness and understanding of international human rights standards. A noteworthy example can be found in the efforts of the Prefect of Kibungo to establish grass-roots-level conflict-resolution groups which have brought together various sectors of civil society, such as women and representatives of professional associations, to discuss openly and frankly matters of everyday concern.

25. The Special Representative was very impressed with the commitment and dedication of the HRFOR staff and, equally, with the substantial presence and involvement invested by several Governments, agencies and non-governmental organizations in providing assistance to Rwanda in the field of human rights. Indeed, HRFOR is not the only United Nations body that has, in the past two or three years, carried out activities in Rwanda within the domain of technical

cooperation in the field of human rights, particularly in the area of the administration of justice. Other United Nations agencies have been active in this domain in Rwanda. They include the United Nations Development Programme (UNDP), UNHCR, the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP). Apart from United Nations agencies, other international organizations such as the International Committee of the Red Cross (ICRC), Avocats sans frontières, Réseau des Citoyens, the International Organization for Migration (IOM) and Juristes sans frontières have been involved, as have a host of multilateral and bilateral donors, notably the European Union (and, bilaterally, such of its member States as Belgium, Germany, Ireland, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland), Canada, Switzerland and the United States of America.

26. The simultaneous involvement of these bodies is indeed impressive and demonstrates the profound desire of the international community to assist Rwanda in the promotion and protection of human rights. However, utmost care should be given to avoid unnecessary duplication, confusion, and a sense of adverse competition among the various actors of the international community involved in human rights activities in Rwanda as that could affect the willingness of donor countries to contribute to effective and essential projects and could even prove to be an embarrassment to some concerned departments of the Government. Indeed, the Special Representative understands that, although HRFOR has a substantial monitoring presence in Rwanda, it has so far not received adequate financial support to fund directly most of its projects of technical cooperation. The Special Representative would like, here, to welcome the efforts of the United Nations Resident Coordinator to initiate thematic working groups on justice and other human rights-related areas to address specific areas of concern in a more coherent fashion.

27. The Special Representative wishes, however, to recommend that more efforts should be devoted - on the part of the various humanitarian and human rights actors and members of the international community involved in human rights activities in Rwanda - to ensuring greater cooperation and coordination of their activities, in particular in the area of technical assistance for human rights projects agreed upon with the Government of Rwanda. It would indeed be highly desirable if all the actors involved in human rights activities in Rwanda would agree together on a common list of priority projects with an implementation timetable and adequate financial support, allowing also the High Commissioner for Human Rights, who is the United Nations official with principal responsibility for United Nations human rights activities, to play, through HRFOR, the leading role in technical cooperation in the field of human rights.

28. The Government of Rwanda has indicated that it wishes to participate with the High Commissioner for Human Rights in a joint review of the functions and role of HRFOR with a view to considering whether any further reorientation of HRFOR is advisable. The Special Representative greatly welcomes in this regard the firm intention of the High Commissioner for Human Rights to review the structure of HRFOR in close consultation with government authorities, at the national and local levels, and with members of the civil society in Rwanda, in order to enable HRFOR to more effectively contribute to bettering the human rights situation in Rwanda and to best support the capacity-building needed for a sustainable and long-term improvement in the situation.

Efforts to create an independent national human rights commission

29. It is to be noted that national human rights commissions have been established in a significant number of countries, including in Africa. They can be an effective mechanism for the protection and promotion of human rights. However, the effectiveness of such a commission depends on several factors, the most important of which are: a broad mandate, the powers given to the commission, the process preceding its establishment, and its human and financial resources. The need to establish a set of principles or guidelines for the establishment and effectiveness of such commissions led to the preparation of the Principles relating to the status of national institutions, known also as the Paris Principles. As a sign of widespread recognition and acceptance by the international community, these principles were endorsed by the Commission on Human Rights in resolution 1992/54, and subsequently by the General Assembly in resolution 48/134.

30. As regards the creation of an independent national human rights commission in Rwanda, it is important to recall that, soon after taking power in mid-July 1994, the Government indicated its commitment to abide by the Arusha Peace Agreement of 4 August 1993, including the Protocol of Agreement between the Government of the Republic of Rwanda and the Rwandese Patriotic Front on the Rule of Law, signed at Arusha on 18 August 1992 (A/48/824-S/26915, annex III).

31. Article 15 of the Protocol of Agreement on the Rule of Law of 18 August 1992, which today forms part of the Basic Law of Rwanda reads as follows:

> "The two parties agree that a National Commission on Human Rights shall be established. This institution shall be independent and shall investigate human rights violations committed by anybody on Rwandese territory, in particular, by organs of the State and individuals in their capacity as agents of the State or of various organizations.
>
> "The investigation work of the Commission shall not be limited in time.
>
> "The Commission shall be provided with the necessary means, especially legal means, to efficiently accomplish its mission. It shall utilize its findings to:
>
> "(a) sensitize and educate the population about human rights;
>
> "(b) institute legal proceedings where necessary."

32. By the beginning of November 1997, the Government had arrived at a draft proposal for the establishment of a National Human Rights Commission. This draft proposal had been preceded by an earlier version, namely that of 1995 which the Government of Rwanda had tabled before the Transitional National Assembly. However, in November 1995, after weeks of intensive debate during

which members of the National Assembly proposed various amendments to the Government's bill, the Government withdrew the bill for reconsideration and possible resubmission at a later date.

33. In their meetings with the Special Representative during his second mission to Rwanda (1-8 November 1997), government ministers and officials indicated their recognition of the necessity of allowing a full and open debate regarding the mandate and composition of such a commission, including the means to ensure its independence and wide national support. All officials, including the President of the Transitional National Assembly as well as the President of the Human Rights Parliamentary Commission, indicated their interest in receiving the comments of the Special Representative on the draft proposal, a copy of which was handed to him on 6 November. Speaking before the Third Committee of the General Assembly in New York on 13 November 1997, the Special Representative referred to the discussions he had had in Kigali on this subject and welcomed the Government's determination to establish a National Human Rights Commission which could constitute, if appropriately composed and mandated, one of the most effective mechanisms by which to enhance a climate of confidence and reconciliation throughout Rwanda.

34. The Special Representative then consulted the Special Adviser on National Institutions to the High Commissioner on Human Rights for his expert opinion on the Government's draft proposal for a National Human Rights Commission. On the basis of his consultations with the Special Adviser, the Special Representative prepared and submitted, on 27 November 1997, to all concerned Ministers of the Government of Rwanda, his "Comments on the Draft Bill of the Government of Rwanda regarding the Establishment of a National Human Rights Commission".

35. Noting that the draft bill demonstrates the will of the Government of Rwanda to establish an independent mechanism not only capable of examining the human rights situation but also of taking appropriate action, the "Comments" observe that most of the key elements relating to the establishment and functioning of a National Human Rights Commission are contained in the draft bill. The "Comments" note, however, that there are several which need to be augmented and which are fundamental for its functioning and effective performance. These include, in particular, provisions concerning jurisdiction, functions and powers of the Commission. The Special Representative further recommends in his "Comments" that a wide public discussion should precede the actual creation of a National Human Rights Commission. This would give an excellent opportunity to various sectors of the Rwandan society to contribute actively to the establishment of the Commission and to develop a sense of partnership with this new mechanism created for the use and benefit of all Rwandans. The participation of representatives of NGOs, the Churches, academics, the legal profession and community leaders, among others, should be encouraged through a public workshop or other appropriate forum, with the participation and support of the Office of the High Commissioner. And, to enhance maximum national support, it would also be preferable for the Commission to be created by a bill brought before Parliament, which can be debated and discussed, rather than through presidential decree.

36. The Special Representative then outlines in his "Comments" a number of specific recommendations on articles in the Government's draft proposal. In particular, the Special Representative stresses that the Commission should: according to the Principles relating to the status of national institutions, be derived from a broad mandate that includes the competence to investigate and inquire into complaints and examine proposed legislation with a view to harmonizing Rwandan law with the international human rights norms applicable to Rwanda; cooperate with the human rights organs of the United Nations, regional institutions and other countries; and contribute to reports which Rwanda is required to submit to United Nations bodies and regional institutions pursuant to its treaty obligations. Moreover, the Special Representative considers that the Commission should be free to conduct its inquiries as it considers appropriate and to cooperate with whomever it considers necessary to fulfil its functions as well as have the power to compel the production of documents or other evidence and the attendance of witnesses for the purpose of gathering evidence.

37. The "Comments" also recommend that the bill creating a National Human Rights Commission contain provisions that guard the immunity of Commission members and stipulate penalties for interference with the Commission's work. The independence of such a Commission should be further protected by the allocation of adequate resources and its membership should reflect the diversity of Rwandan society. The "Comments" also address a number of matters concerning the quasi-judicial character of the Commission's functions and procedures for the appointment and dismissal of Commission members.

38. In early January 1998, the Special Representative was surprised to learn that in the December 1997 Official Gazette of the Republic of Rwanda had been published Presidential Order No. 26/01 of 11 November 1997 establishing the National Human Rights Commission, which seemed to indicate that the Government had gone ahead with the adoption of the draft proposal without considering the comments and suggestions of the Special Representative on it, and in particular, his strong recommendation to the Government that there be a full and open debate on the creation of such a Commission before it was actually brought into being.

39. However, in their meetings with him during his third mission to Kigali (19-25 January 1998), ministers of the Government of Rwanda informed the Special Representative that the Government welcomed a full and open debate on this subject in the Transitional National Assembly and was encouraging the National Assembly to make the necessary arrangements for such a debate. They assured the Special Representative that the recommendations he had outlined in his "Comments" could then be fully considered and that the decree could be modified as necessary before being tabled for adoption as a law. The Minister to the Presidency subsequently confirmed that the Government had received a long list of persons proposed by political parties to be nominated for the National Human Rights Commission and that the Government intended to proceed with the nomination of the members of the Commission as provided for in the presidential decree. He also indicated that the Government welcomed and supported the proposal of the Special Representative to organize, in cooperation with the Office of the High Commissioner for Human Rights, a public workshop on this subject, with the participation of the newly appointed members of the Commission, members of the National Assembly, members of the

Rwandan civil society and regional and international experts. The Minister further indicated that the findings of the workshop would be submitted to the Transitional National Assembly and that the parliamentary debate could lead to the modification of the presidential decree entailing the passage of a law by the Transitional National Assembly.

IV. RECOMMENDATIONS OF THE SPECIAL REPRESENTATIVE

40. In his first report to the General Assembly (A/52/522, annex), the Special Representative submitted a number of recommendations to the Government of Rwanda on the basis of his first mission to Rwanda. These basic recommendations remain valid, but a number of important developments have taken place since that time. To take account of these developments and further extensive discussions he has held during his two subsequent missions to the region, the Special Representative recommends:

(a) That the Government of Rwanda and the international community enhance their close cooperation to maintain and develop the most suitable conditions for the promotion and protection of human rights in Rwanda;

(b) That greater effort be devoted by the various humanitarian and human rights actors and members of the international community involved in human rights activities in Rwanda with a view to enhancing mutual cooperation coordination, and complementarity, in particular in the area of technical assistance for human rights projects agreed upon by the Government of Rwanda;

(c) That, within this strengthened framework of cooperation and coordination between the various humanitarian and human rights actors and members of the international community, an agreed list of priority projects be established, together with a timetable indicating the implementing agency or body, time frame for realization of the project and its financial support;

(d) That the High Commissioner for Human Rights, who is the United Nations official with principal responsibility for United Nations human rights activities, play the lead role through her Field Operation, in the establishment of this strengthened framework of cooperation and of a timetable of priority projects;

(e) That States and international donors provide adequate financial support to enable the timely realization of priority projects and the effective functioning of the High Commissioner's Human Rights Field Operation in Rwanda;

(f) That, as concerns the area of justice and law enforcement, the following areas should take priority: basic training in law and human rights for judicial personnel; human rights education and training for members of the Rwandese Patriotic Army, the gendarmerie, the communal police and other law enforcement personnel, including local administrative authorities; training and other support to the military justice system; and human rights training seminars and refresher courses for prison and detention centre personnel. In addition, the capacity of prisons must be increased and efforts to improve conditions of detention made as well as logistical support to the judiciary provided;

(g) That, in light of the conditions of detention, the international community concentrate immediately on providing all necessary technical assistance to enable the Government to establish urgently a dossier for every detainee. This would allow for the determination of who should be released immediately and who should be brought to trial within the shortest time possible. Moreover, the various actors of the international community concerned with the provision of assistance to the administration of justice should accord top priority to the twin problems of the conditions of detention and the need to speed up the genocide trials, without sacrificing adherence to international human rights standards governing the right to fair trial;

(h) That the competent Rwandan authorities pursue their efforts to establish an independent and credible National Human Rights Commission based on recognized international norms governing the composition and the mandate of such commissions and that the international community provide the necessary financial support for its effective functioning;

(i) That the international community forcefully and unequivocally condemn the insurgent forces which have shown themselves bent on resuming the programme of genocide they launched in 1994, destabilizing efforts to bring peace and security to Rwanda and sabotaging the efforts of the Government to foster national reconciliation;

(j) That all States should cooperate fully with any and all requests of the International Criminal Tribunal for Rwanda (ICTR) concerning the arrest and transfer of any person sought by the ICTR. The full cooperation of each and every State with the ICTR would indicate clearly to the people of Rwanda that the international community intends to ensure that justice is being served. Perhaps even more important, such cooperation would symbolize the understanding of the international community of the extreme gravity of the genocide. Furthermore, the clear willingness of the international community to assist in bringing perpetrators of the genocide and associated violations to justice might even encourage the Government of Rwanda to consider innovative solutions to address blockages in the Rwandan justice system and help solve the resulting severe overcrowding in detention centres, including possibly releasing detainees against whom no serious crimes can be proved;

(k) That the efforts of the Government of Rwanda to prosecute violations committed by some elements of its armed forces be strongly encouraged and supported;

(l) That a survey to identify the specific needs of genocide survivors throughout the country be conducted with a view to implementing a programme of social and economic assistance to victims and survivors of the genocide, and that all Member States contribute urgently to a fund for genocide survivors in view of the extreme hardship they continue to suffer with little or no assistance;

(m) That, as concerns mass education and public awareness in the field of human rights, the human rights component of all school curricula be regularized and strengthened;

(n) That the international community provide a substantial level of development assistance to the countries of the Great Lakes to raise the level of personal and economic security in the region so that meaningful improvement in the human rights situation can take root.

41. Finally, the Special Representative urges friends of Rwanda, both from the region and from the international community at large, to initiate an integrated and comprehensive programme of assistance in order to support the efforts of the Government of Rwanda to promote and protect fundamental human rights and provide for the well-being of the people of Rwanda in conditions of peace and security.